App. F. IX-4

1930.31 (Law)

File No. 52-30

Previous References
Mysore III-29-1-6
Law 49-25-1-3

Serial Nos. 1 & 3

Later References
Law 78-32-1-4
" 4-33-3 & 4.
" 9-35-4 & 16

71

General and Revenue Secretariat.

Serial Nos. ~~Two~~. Three.

Part B for July 1932.

SUBJECT.

O.S. 3 of 30-31 on the file of the Hon'ble Mr. Justice Shamaya (S. Venkata Rao Vs. Govt. of Mysore)

To PPr Shamaya

No. P507 of

Returns the Copies of judgment - and advice for taking necessary action to recover the costs.

Dr Ahmed Ajeez
3.8.32

1783

G. R. S. APP F. III—11 1930.

GENERAL AND REVENUE SECRETARIAT.

(Law).

NOTES.

File No. S72-30

FILE HEADING.

O. S. 3 of 30-31 on the file of the Dist Judge Shimoga
(S. Venkata Rao vs Govt. of Mysore)

FROM The Dist. Judge Shimoga

No. S71 Dated 1.10.30 Received 3.10.30

Diary No. 1783	Enclos.	Spare copies	Serial No.

BRIEF ABSTRACT OF LETTER.

Forwarding Summons and notice in duplicate case in O.S. no. 3 of 30-31 and requesting to return the original with due endorsement of service before 3.11.1930 to which date the case is posted for hearing

NOTES AND ORDERS.

1) The Ppr may be requested to appear for the case and take an adjournment. Connected file is herewith pursuant Subt's note & dfts. Summons in original may be returned with due endorsement by the Secretary

TSD 4/10

2) For favour of signature to the Summons

Chief Secy

Date of Hg 3/11/30

Notes—First Sheet.

Signed 6/10

CH: Secy

file put up

CHIEF SECRETARY. 6 OCT. 1930

WD 01683—GPB—5,000—3-5-29

3) Draw Dft I & submit a typed draft of Dft II for submn to H.H.

DMP 5/10.

Issued C 14 & 8/10.

Secy 8/10 Typed draft of Dft II is put up.

DMP 7.10.

Serial No.

The suit is for an injn restraining the defts. Govt from interfering with Plaintiffs possn of the suit property, which Govt have held to belong to a Muz: temple.

5) The case is posted to 3/11/30 In the file Law 49-29 relating to the notice before suit, it is ordered that the threatened suit may be awaited & defended

6) PPr, Shimoga has therefore to be instructed to appear for Govt in the case. Draft put up for order.

Legal Asst

BM 8/10

[illegible] 10/10

PM 10/10

BM 6/10

To

The PPr. Shimoga

No. P. 2200 d 17.10.30 forwarding a copy of the plaint and an application for temporary injunction in O.S 3 of 30-31 (S. Venkatarao vs Govt) and requesting to appear for Govt and send the dft w.st after obtaining necessary instns from DC Shimoga

Letter No. R33 dated 21st Oct 1930 from PPr. Shimoga stating that the D.C. has been addressed in the matter & instructions and needful action will be taken in consultation with him & w.st. will be sent. Draft

Dft w.st. may be awaited

For Perusal Sus A BM 28/10

TSD 25/10.

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7-30

3

W530

File No. of 193 | General and Revenue Secretariat

3rd Member's minute dated 17.1.31
in Mur 111 of 1929

1) "The want of jurisdiction for the C. Court should be made a plea in case govt is made a party."

SD P.G.D.
17.1.

Letter no 424 dated 27th Jan'y 1930 from the PPr. Shimoga stating that he would prepare and submit for approval the dft. w. st. after obtaining further particulars from the plf.

2) Subt for perusal
ISD
30/1

Legalr'

DPP
30/1/31

Sms
ISD
1/2

DPP 1/2

Letter no 529 dated 21st March 1931 from the PPr. Shimoga forwarding for information a copy of the memo filed by him, calling upon the plaintiff to furnish certain particulars.

3) It is also stated that the Court has now called upon the plf to disclose his title to the land and also produce a correct sketch of the plot he claims. The case stands adjourned to 2.4.31 for reply.

for perusal
Asstt Secy/4

ISD
25/3

DPP 25/3

Serial No.

Subd No report as yet from the P. Pr Shimoga as to what happened to the case on 2/4/31 have been received Hence no further proceedings in the case can be taken up. May await till the end of the week

ANL 6/4

6/4

Letter no. 553 dated 3rd April 1931 from the PPr Shimoga informing that the Case is posted to 16.5.31 for the plff's reply to the memo of information

For perusal

ISD 7/4

BNP 7.4

Sri B. ISD 7/4

From the Public Pr. Shimoga 616 of 23/5/31 states that as the plaintiff was not ready with his reply, the case stands adjourned to 26.5.31 Subd Further report may be awaited

Sri B. BNP 3/6

2/6

This was posted to 9.7.31. ~~for evidence~~

11) Please enquire as to what progress was made in the case on the said date — the copy of the plff's reply filed on 26.5.31 may also be obtained - A written Statement does not seem to have been as yet filed in this case — BNP 3 7

Note—Contn. Sheet

WD 01684—GPB—30,000—20-4-29

545 5483

App. F. III—2]

General and Revenue Secretariat | File No. | of 193 .

Serial No.

12) Dft. to the PPr. Shimoga's put up for appl.
BD 24/7
Issue
MNL 24.7.31.

C. A'
TSD 27/7
MNL 27/7

Issued no. P. 530 d. 24.7.31.

Letter no. 30 dated 30th July 1931 from the PPr. Shimoga stating that he has taken time to file objections to the pff's application for temporary injunction.

13) PPr. State that he has called for certain particulars re: the title of the pff's Ancestors to convey the plot, and that the Court has directed the pff to furnish the same on 13th Aug '31; and promise to send the Statement of objections together with Copies of pleadings after the receipt date of Ltr is 15.8.31.

Subt? for perusal.

TSD 1/8.
MNL 1/8.

Sus B to await further report
TSD 3/8
Bill 1578
MNL 3/8

Letter no 50 dated 14.8.31 from the PPr. Shimoga intimating that the Case stands adjourned to 28th inst. for furnishing particulars.

further report to be awaited
Subt? for perusal.
Sus B till 1.9
MNL 17.8.

TSD 7/8
Subt

No further reports received
Hence a dft put up

NOTE—Contn. Sheet.

TYPING SECTION
3. SEP. 1931
GENL. & REV. SECTT.

WD 02558- GPB—50,000- 8 7 30

Issue MNL 7/9/31
1441 7/9/31
Sus till 11/9

6

1789

File No. of 193 | General and Revenue Secretariat

The Case stands posted to 8th Sept 1931

17.9.31.

to filing degrees 3.11.31.

Letter No. 145 dated 28.10.31 from the PPr. Shimoga forwarding for appl dgr. w.s. and dgr. objections to the petition for temporary injunction. Subs for perusal & scrutiny.

TSD 3/11

Please put up today. Mur File 111 of 1929 in which certain points of evidence regarding this case are raised.

PDR 4/11

(a) The PPr states that the W.S. has to be returned to him by 3rd ~~Inst~~ No time is allowed for scrutiny of the Statement, which I think requires some revision.

(b) I am sure the PPr will have taken an affr in the case yesterday. A draft pointing out the delay in sending the Statement & requesting immediate intimation of the further date of hearing is put up. After issue, the Statement can be duly revised & submitted.

(Illegible)

PDR 4/11

4/11 Issue & accident above with Mur File 111 of 29.

PDR 4/11

ISSUE & RESUBMIT

TYPING SECT 4. NOV. 19 S-3 & RE

1789 ✓ 7

Serial No.

To,

the Pvt. Secretary

No. P. 4586 dated 4.11.31 informing him to obtain an adjournment and pointing out that in all such Cases dfr w. st. ought to be sent at least 15 days before the date fixed for hg.

17) Muz. III-29-5 not available in the records Muz. Br. may be requested to put up the same early

TSD 6/11

MMP 6/11

Muz III-29-6 is put up. + this may be returned to Law Secn with compliments

GL MSA 6/11

MMP TSD immediately

18) Please get four copies of the draft Statement typed, one of them to be on thick paper.

Typing Section for Compliance MMP 11/11

TSD 11/11

TYPING SECTION 11 NOV. 1931 4-50 PM GENL. & REVS.

19) Typed copies of the dfr w. st. are put up with a dfr returning.

TSD 17/11

20) I have added three new paras (1, 2, 3 in the revised W.S) regarding preliminary questions as to jurisdiction & maintainability

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

8

File No. of 193 | General and Revenue Secretariat

of the suit in accordance with the then 3rd member's minute dated 17.1.31 in Misc file 111 of 29 placed below—

2) The other paras follow those in the draft sent by the PPs, shown with slight verbal alterations here & there.

3) Both the written statement & the digest may be approved & sent to the Chief Secy: for signature. It has to be returned to the PPs today for being filed in court tomorrow the 13th being the date fixed for the purpose.

Genl Secy

PPs
12/11

4) This may now be sent to Simla for perusal

Hd Clk

12/11

Chief Secy
with compts

PPs
12/11

ISSUE & RESUBMIT

Issue at once & resubmit

PPs
12/11 (2.45 PM)

GENERAL SECRETARY
12 NOV 1931
No. 35

TYPING SECTION
12 NOV. 1931
2-55 PM
GENL. & REV. SECTT.

Serial No.

To

The PPr. Shimoga

No. P. 2663 dated 12.11.31 returning duly revised, faired and signed the W. St as well as the objection Statement to be filed in O.S. 3/30-31.

Subd for perusal after time.

15D 17/4 Second Member)
Secret Member)
Hd to Fin Secy
(Mwr)

Mwr 15/4

h 20/11

OFFICE OF THE SECOND MEMBER
23 NOV. 1931
No. 3990

REV. SECRETARIAT
460
1931

OFFICE OF THE FIRST MEMBER
24 NOV. 1931
No. 3990

h 25/11

Mwr 25/11

Letter No. 167 dated 18th NOV 1931 from the PPr Shimoga stating that ~~he filed~~ the W. St. and the objections for the grant of temporary injunction were filed on 16th inst and the case stands posted to 30th inst for ors pff

Subd for perusal.

15D 26/4

Mwr 26/4.

For pltf's Reply 30/11/31

Subd

NOTE—Contn. Sheet.

10

File No. of 193 | General and Revenue Secretariat

From the P. Pr Shimoga
186 of 7/1/32
stating that the plaintiff did not file the reply statement for our defence the plaintiffs adv moved for an adjournment & that the case stands adj. to 5.2.1932.
Subd for perusal.

Issue
4/2

Subd with a draft for the progress report.

Issue
11/1

3926 of 13/1/32
Subd with draft R for the report

Issue
28/1

4135 of 29/1/32

TYPING SECTION 11 JAN 1932

TYPING SECTION 28 JAN 1932 GEN'L & REV SECT

O.S. No. 3/30-31 arising out of file of the Dist. Court, Shimoga
(Venkata Rao vs Govt.)

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

From

The PPr. Shimoga

No. 345 dated 25.5.32 informing that Judgment was pronounced in the above case dismissing the Suit with Costs.

2) This is a Suit for an injunction restraining the ~~Deft~~ Govt from interfering with ~~pff's~~ possession of the Suit property which ~~for~~ requisition was to cease by Govt to belong to Kumbalur Anjaneya temple a Mgt institution. The Suit is reported to have been dismissed with Costs. PPr. states that he has applied for a copy of the Judgment. The same may be awaited

Sub: for perusal.

460

OFFICE OF THE FIRST MEMBER OF COUNCIL 1932 No. 7995

GENERAL SECRETARY 28 MAY 1932 No. 8240

8779 1/6

1st/5 (Gen Secy)

Fin Secy (Mur) ✓

1st/5 minutes

DNP 28/5

30/5

DNP 31/5

2/6

mmle 6.6.32

9/6/32

Law Section with Compliments.

9/6/32

2) Secy to await Govt

DNP 9/6.

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31.

11

O.S. 3/30-31 — Dist. Ct. Shimoga
(Venkata Rao vs Govt)

File No. of 193 . | General and Revenue Secretariat

From,

The P.Pr. Shimoga

no. 13 dated 12th July 1932. forwarding Copy of the Judgment and decree in O.S. 3/30-31 on the file of the Dist. Ct. Shimoga.
(S. Venkata Rao vs Govt).

Ref[a] para 25 Supra. The Suit is dismissed with costs. Copy of the Judgment & Suit[s] for perusal. Action for the recovery of Costs awarded in the Suit will be taken after perusal.

1 = JUL 1932
464

1A.

ISD
15/7

Submitted for perusal.

Fin Secy
(Mur)

MP
16/7

(Hon Members)

18/7.

19/7

MP
20/7/32

RR
20/7/32

Take action re: A
MP
20/7

Dft Put up

ISD
21/7

Issue as revised
MP
21/7

21 JUL 1932
REV. SECT

To,

The P.Pr. Shimoga

no. P. 507 returning the Copies of Judgment and decree for taking necessary action to recover the Costs.

B

ISD
26/7.

MP
26.7

Notice to show cause.
General form
Form No. 71, (Civil).

Hearing. 3-11-1930.

IN THE COURT OF the District Judge AT Shimoga.

Original SUIT NO. 3 OF 1930-31

S.Venkata Rao Applicant. } Vs. { Government of Mysore. Opponent.

To The Chief Secretary to the Government of Mysore, Bangalore.

Whereas the above named plaintiff has made an application to this Court that the grant of temporary injunction restraining the defendant from entering upon the suit land and from demolishing the

returned [illegible] till the disposal of the suit

are hereby warned to appear in this Court in person or by a Pleader duly date of hearing on the 3rd day of November 1930

10.30 o'clock in the forenoon, to show cause against the application failing wherein, the said application will be heard and determined *ex parte*.

Given under my hand and the seal of the Court, this 26th day of September 1930

Schedule :- The plot of land measuring 55½' by 22' forming the backyard of plaintiff's houses Number's 166 & 167 of Kumbalur village, Honnali Taluq, bounded by to the North and West Government Road, to the South Nos. 166 & 167 plaintiff's houses; to the East Kallappa's plot.

By order, &c.

Judge

Sheristadar

WD 01878—GPB—10,000—11.6.28.

3

Summons for settlement of issues (O. 5 rr. 1, 5.) Form No. 2, Civil.

Hearing 3-11-1930.

In the Court of The District Judge at Shimoga.

Original Suit No. 3 of 1930 -1931.

S.Venkatarao — Government of Mysore.

PLAINTIFF } vs. { DEFENDANT

To The Chief Secretary to the Government of Mysore, Bangalore.

WHEREAS the plaintiff abovenamed has instituted a suit against you for the reliefs mentioned in the copy of plaint enclosed herewith

you are hereby summoned to appear in this Court in person, or by a pleader duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some person able to answer all such questions, on the 3rd day of November 1930, at 10.30 o'clock ~~directed~~ required in the fore noon, to answer the claim: and you are ~~directed~~ to produce on that day all the documents upon which you intend to rely in support of your defence.

Please Take notice that, in default of your appearance on the day before mentioned the suit will be heard and determined in your absence.

Given under my hand and the seal of the Court, this 26th day of September 1930..

DISTRICT AND SESSIONS COURT SHIMOGA DIVISION

By Order.
Judge
Sheristedar.

Notice.—1. Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness and the production of any document that you have a right to call on the witness to produce, on applying to the Court and on depositing the necessary expenses.

2. If you admit the claim, you should pay the money into Court together with the costs of the suit, to avoid execution of the decree, which may be against your person or property or both.

GPB—5,200—11-2-13

In the Court of the
Shimoga
District Judge

O.S. 3 of 1930-31

P/f S. Venkatarao

V

Deft:- The Chief Secretary
Govt.

DISTRICT AND SESSIONS COURT
21 AUG. 1930
SHIMOGA DIVISION.

Petition under O 39 R 1, C.P.C. Plaint!
begs to file the affidavit and
the reasons stated in the accompanying
Affidavit. The premises in the plaint
and the compound walls thereon
are in danger of being damaged
Therefore this Hon'ble Court may
be pleased by order granted a
temporary injunction to restrain
the defendant from entering
upon the said land and from

aff-d

9. A writ of summons
and statement of claim was issued by the plaintiff
claiming a declaration that the defendant
has a permanent injunction being
issued against him to restrain
him from entering on the said
land and from demolishing
the walls on the said land.

2. That prior to the issue of the writ
the Plaintiff was in the peaceful
possession of the said property and
the defendants were permitted
to demolish the compound walls
of the said property for the
purpose of erecting boys
hostel thereon.

3. That the plaintiff has no other
land ; the plaintiff

Substantial loss of injury if 6
the defendant were to enter
upon my land ... & have no
permanent right it is of course
impracticable & necessary to do if
a temporary right only be
granted the defendant for
digging upon his land &
to be removed when the works
are completed

E. B. Duncan
Attorneys for
Plaintiffs

In the Court of the District Judge

Shimoga. O.S. 3 of 1930-31.

Plaintiff:- S. Venkatarao aged

DISTRICT AND SESSIONS COURT
21 AUG 1930
SHIMOGA DIVISION

Defendant:- The Chief Secretary to
Government Revenue Department
Bangalore

This suit coming on R.C.P.C. this
day for hearing in the presence of
the pleaders for the parties and
upon hearing the pleaders on both sides
and upon reading the plaint and
the evidence adduced in the case
this

It is ordered that the suit of the plaintiff
be and the same is hereby decreed
with costs and that the plaintiff
is entitled to the lands described
in the schedule hereunder written
situate in Hemmanahalli village of
Hemmanahalli Taluk.
Schedule Referred. The said lands
are hereby declared to be the property
of the plaintiff and the defendant is
restrained perpetually from

[illegible] for over 60 years [illegible]
[illegible] as [illegible]
[illegible] owner-ship over the
Schedule land, the plaintiff's ancestors
had put up Compound walls on all the
sides of the Schedule property. The law
in Question does not belong to
Sree Anjaneya Temple of the
Kundahan Village; nor does it
belong to Government.

Such being the case
about the year 1923, at the
instance of the plaintiff's ancestors
records were made by the Revenue
[illegible] effect that the
[illegible] belonged
[illegible]
to the [illegible]
[illegible] Revenue Officer
directed that the compound walls
on the [illegible]

demolished and possession given Board of
land ~~to~~ taken by the Revenue
authorities for and on behalf of the
Sri Venkateswara temples. The plaintiff
went in appeal to the Deputy Commissioner against this order ~~to the~~
~~Deputy Commissioner~~ who confirmed
the order of the lower Court. Thereafter
on 30th September 1929, the plaintiff
got notice issued as required under sec-
tion 80 of the defendant to
reconsider his legal position in
regard to the matters in dispute. No-
plaintiff has not
to his notice
3. On the other hand plaintiff
understands that orders have
been issued to the Amildar,
Tirumalai-Tirupati ordering him to
take immediately possession

[illegible] land [illegible]
[illegible] land [illegible] the [illegible]
to the land [illegible] by the [illegible]
[illegible] with the [illegible]
[illegible] is about to be taken out of his
[illegible] [illegible]
Compound walls standing on the
plot of land are about to be
demolished. Causing loss to the
plaintiff to a large extent.
A Swami [illegible] land [illegible]
never belonged to the Swami
Ayyangar Temple. Since the
plaintiff and his ancestors
were in [illegible] the exclusive
[illegible] for over 70-80
years as [illegible] owners
thereof. The defendants have
[illegible] to take away to dispossess the

5. Plaintiff owns the suit lands and the compound walls thereon. The Plaintiff claims the suit lands as his own.

6. Cause of action for the suit arose first on 2-9-1929 when defendants denied the Plaintiff's title and finally on or about the month of January 1930 when defendants refused to remove the compound walls.

7. Value of the suit for purposes of Court fee and Jurisdiction

Rs 30/- being the market value of the lands and the value regarding injunction

8. Reliefs.

(1) That the Plaintiff be declared the owner of the suit schedule lands and that he is in exclusive possession

12

Appendix F G—1

SUBJECT.....

.....

.....

Dft I

Section Law

File No. SR-30

Serial No. 2 Each

No. C.14

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

To

The Dist: Judge, Shimoga

Date of issue 8/9/30

Signed by Asst. Secretary

Sir,

In accordance with

~~With reference to~~

your letter ~~No~~ No 570 ~~dated~~ of 1st stock 1930

I have the honour to

return herewith the Summons in O.S. 3 of 30-31 (S.V. Rao & Govt) in original ~~duly signed~~ with due endorsement of service thereon.

~~Endorsed by the Asst Secretary~~

~~and to state that~~ the

Public Prosecutor Shimoga has been requested to appear for Govt in the case ~~Case~~ on 3rd Nov 1930

I have etc

List of enclosures.....

Copied by 7/9

Examined by.....

ISD

DSP

Law ~~cover~~ See Y

7/9/

WD02559—GPB—25,000—25-6-30

14

7th October 1930.

C. 14. Encl 8
8/10/30

The District Judge,
S h i m o g a.

In accordance with your letter No. XX 570 and 571 of 1st October 1930, I have the honor to return herewith the summons in original in O.S.3 of 30-31 (S.V.Rao Vs Govt with due endorsement of service thereon. The Public Prosecutor Shimoga has been requested to appear for Government in the case.

I have the honor to be,

Sir,

Your most obedient servant,

For Legal Remembrancer &
Secretary to Government
Law Department.

c.n.

Home 52-30-3

P 2200(2) 15

To

The Public Prosecutor, 9/10/30

S h i m o g a.

Sir,

I have the honor to request you to appear for Government in O.S. 3 of 30-31 on the file of the District Judge Shimoga (S.Venkata Rao Vs.Government) posted for hearing to 3rd -- November 1930. Copies of the plaint and the application for temporary injunction are -- herewith sent and a draft written statement may kindly be prepared after obtaining neces sary instructions from the Deputy Commission er Shimoga and sent to this office as usual with the connected records for approval.

The Deputy Commissioner Shimoga may also be consulted as regards the action to be taken by you in the matter of the prayer for temporary injunction and the result of the same may be intimated to this office in due course.

I have etc.

Law Secy. to Govt.

c.n. 8/10

Copy 10/10

SG

16

16th October 1930.

2200 (2)

The Public Prosecutor,

S h i m o g a.

I have the honor to request you to appear for Government in O.S. 3 of 30-31 on the file of the District Judge Shimoga --- (S.Venkata Rao Vs Government) posted for hearing to 3rd November 1930. Copies of the plaint and the application for temporary injunction are herewith sent and a draft written statement may kindly be prepared after obtaining necessary instructions from the Deputy Commissioner Shimoga and sent to this office as usual with the connected records for approval.

The Deputy Commissioner Shimoga may also be consulted as regards the action to be taken by you in the matter of the prayer for temporary injunction and the result of the same may be intimated to this office in due course.

I have the honor to be,

Sir,

Your most obedient servant,

For Secretary to Government
Law Department.

c.n.

17 1923 930.

OFFICE OF THE PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

No. 223.
Encl.

DATED, SHIMOGA THE 21st. October 193 0

From

N. SESHA SASTRI, ESQ., B. A., B. L.,
PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

To

The Secretary to Government,
Law Department,
BANGALORE.

Sir,

Re O.S. 3/30-31, District Judge's Court, Shimoga.
(Venkata Rao Vs Government of Mysore.)
*****

I have the honor to acknowledge receipt of your letter No. P.2200(2)/Law dated 16-10-1930 on the above subject and to state that I have today written to the Deputy Commissioner, Shimoga District for instructions. Needful action will be taken in consultation with him and the ~~FREGKEEK~~ draft written statement will be submitted for approval shortly.

I have the honor to be,
Sir,
Your most obedient servant,
N. Seshasastri
Public Prosecutor,
Shimoga Division.

18 3733 P 30

OFFICE OF THE PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

No. 424.
Encl.

DATED. SHIMOGA THE 27th Jan. 1931.

From

N. SESHA SASTRI, Esq., B. A., B. L.,
PUBLIC PROSECUTOR.
SHIMOGA DIVISION.

To

The Secretary to Government,
Law Department,
Bangalore.

Sir,

Re: O.S. 3/30-31, District Judge's Court, Shimoga.
(Venkata Rao Vs Government)

1972 P 30 Shst 27/10

In continuation of my letter No. 223 dated 21-10-30 on the subject, I have the honour to state that I have called for further particulars from the plaintiff and that the case is posted to 18th February 1931 for the plaintiff furnishing the particulars called for. After the particulars called for are furnished, I shall prepare the written statement and forward it for your kind approval.

I have the honour to be,
Sir,
Your most obedient servant,
N. Sesha Sastri
Public Prosecutor,
Shimoga Division.

19 G.L.O. 9/30

Proceedings of the Government of His Highness
the Maharaja of Mysore.

Read.-

Correspondence ending with letter No. 612 of 1929-30 dated 12th January 1931 from the Muzrai Commissioner, forwarding copy of letter dated the 23rd December 1930 from the Deputy Commissioner Shimoga District, stating that the records connected with the eviction of Sameraya Venkataraya from a piece of land belonging to the Sri Anjaneyaswami temple at Kumbalur, Honnali Taluk, have been sent to the Public Prosecutor, for preparing a written statement in connection with the Civil Suit instituted by Venkataraya in the District Judge's Court and that it would be better to defer taking further action re the demolition of the wall till the Civil suit is decided.

O.S. 3 of 30-31

Order No. 1840-41/Muz III-29-6

Dated, Bangalore, the 17th February 1931.

Recorded.

[signature]
for Secretary to Government,
Financial Department.

To

The Muzrai Commissioner with the records.
The Deputy Commissioner, Shimoga District.

Copy to Law Secretariat.

Subject for final
[illegible]
file relating to
O.S. 3 of 30

C.R.G.4.

20 4538 P 30

OFFICE OF THE PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

No. 529.
Encl. one

DATED. SHIMOGA THE 21st March 1931.

From

N. SESHA SASTRI, Esq., B. A., B. L.,
PUBLIC PROSECUTOR.
SHIMOGA DIVISION.

To

The Secretary to Government,
Law Department,
Bangalore.

P. 2773

Sir,

1973 3732 P 30

Re: O.S. 3/30-31 District Judge's Court, Shimoga.
(Venkata Rao Vs Government)

In continuation of my letter No. 224 dated 21-10-30 on the above subject, I have the honour to state that as the plaint was not clear on certain points, I have filed a memo of information calling upon the plaintiff to furnish certain particulars. A copy of the memo is herewith submitted for ~~approval.~~ information. The court has now called upon the plaintiff to disclose his ~~title~~ title to the land and also produce a correct sketch of the ~~plaint~~ plot he claims. The case was adjourned for this purpose to 13-3-31 and as the plaintiff was not ready with his reply to the memo, the case is adjourned to 2nd April 1931.

I have the honour to be,
Sir,
Your most obedient servant,

N. Sesha Sastri

Public Prosecutor,
Shimoga Division.

21

IN THE COURT OF THE DISTRICT JUDGE, SHIMOGA DIVISION.

O.S.3/30-31.

Plaintiff	Defendant.
S. Venkata Rao	Government.

Memo of information filed on behalf of the Defendant:-

In order to enable the defendant to file his written statement, theplaintiff may ne called upon to clear the following points:-

1. In para 2 of the plaint, it is merely stated that the suit plot of land belongs to the plaintiff without disclosing how the plaintiff derived his title to the land. The allegation regarding ownership is therefore vague. The defendant therefore prays that the plaintiff may ne called upon to state his title to the land and if there is any documentonwhich his title is based, to state the nature, date etc., of the document and produce the same to court.

2. - As the suit plot of land does not bear any distinct number, it is necessary for a clear understanding of the of the situation of the said plit that the plaintiff should produce a correct sketch of the same and the defendant there fore prays that the plaintiff may be called upon to produce the necessary sketch.

Government Pleader.

Copy Received
Public Prosecutor
Shimoga Division.

22 4732

OFFICE OF THE PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

No. 553.
Encl.

DATED. SHIMOGA THE 3rd April 1931.

From

N. SESHA SASTRI, Esq., B. A., B. L.,
PUBLIC PROSECUTOR.
SHIMOGA DIVISION.

To

The Secretary to Government,
Law Department,
Bangalore.

Sir,

Re: O.S. 3/30-31 District Judge's Court, Shimoga.
(Venkata Rao Vs Government)

In continuation of my letter No. 529 dated 21-3-31 on the anove subject, I have the honour to state that as the court was engaged in Kadur Sessions on 2-4-31, the above case stands adjourned to 18-5-31 for the plaintiff's reply to the memo of information.

I have the honour to be,
Sir,
Your most obedient servant,
N. Seshasastri
Public Prosecutor,
Shimoga Division.

989/4/4

23

OFFICE OF THE PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

No. 616.
Encl.

DATED. SHIMOGA THE 23rd May 1931.

5483

From

N. SESHA SASTRI, Esq., B. A., B. L.,
PUBLIC PROSECUTOR.
SHIMOGA DIVISION.

To

The Secretary to Government,
Law Department,
Bangalore.

Sir,

Re: O.S. 3/30-31 District Judge's Court, Shimoga.

In continuation of my letter No. 529 dated 21-3-31, I have the honour to state that as the plaintiff was not ready with his reply on 18-5-31 the case stands adjourned to 26-5-31 for the same purpose.

I have the honour to be,
Sir,
Your most obedient servant,
N. Sesha Sastri
Public Prosecutor,
Shimoga Division.

Appendix F G–1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 24/7/31

Signed by Jr Rly

List of enclosures.....

Copied by Dy 24/7

Examined by.....

Section

File No.

Serial No.

No. PS30

To The PPr. Shimoga.

Sir,

With reference to your letter no 616 dated 23rd May 1931 ~~from the PPr~~ re: O.S.3/30-31 (S. Venkata Rao vs Govt) on the file of the Dist. Judge Shimoga. I am directed to enquire as to the progress made in the Case on 9.7.31 A Copy of the plaintiff's ~~reply~~ to the memo calling for particulars ~~on 26.5.31~~ may kindly be sent for information of Govt. ~~along with the dft W. St.~~

I have the for Ch. Sec.y

ISD 24/7

25 S 45 31
pf

OFFICE OF THE PUBLIC PROSECUTOR.
SHIMOGA DIVISION.

No 30
Encl.

DATED. SHIMOGA THE 29th 30th July 1931

From

B. KRISHNA RAO, ESQR., B.A., B. L.,
PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

To

The Chief Secretary
to
The Govt. of H. H. The Maharaja of Mysore
(Law department)
Bangalore

Pol 31/7

Subject = O.S $\frac{3}{30-31}$ (S. Venkata Rao Vs Govt.) on the file of the District Judge Shimoga

Sir,

With reference to your letter No. P.S:30 Law of 24th July 1931 I have the honour to state that on 9th July I filed power and took time for defence and objections to the plaintiff's application for temporary injunction

After going through the papers I find that plaintiff has not given the dimensions of his house to which he says the site in dispute forms the back yard. His case is that his ancestors purchased both the site on which the house stands and also the plot in dispute from one Anyappa some 60 or 70 years ago But the Baniyan list prepared in the Honnali taluk office in the

year 1895-96, shows a portion of Khaneshumari No. 162, which is assessed at Re 1-0-0 to be in the Hakdari of one Anyappa and Bayar with a measurement of 11 yds by 11 yds and that another portion of the same Khneshumari No. 162 measuring 12 yds by 12 yds, to be Sarkar land and Bayar and further there is an endorsement thereon that no one should enter without permission

So that the actual dimensions of the plot on which the plaintiff's house is built will have a material bearing on the question, whether the so-called predecessor in title of the plaintiffs ancestors had any title to convey the plot in dispute and hence, at my request the Court has directed the plaintiff to furnish the above information on 13th of August.

After the next hearing date, I will prepare the defence and send the same along with pleadings and other necessary papers for your approval

I have the honour to be

Sir

your most obedient Servant

B. Krishna Rao

Public Prosecutor

27 8.22 p 731

GPB-

192

From The Public Prosecutor
Shimoga.

To The Secretary to the
Govt. of H. H. the Rajpramukh
General Department

Dated 14-8-31

Despatched

Received

General No. 50
No.

GENERAL SECRETARY
15 AUG. 1931
No. Law

Enclosure No. 1578

Subject— S. C. 3 / 30-31 (Venkata Rao
vs Govt. of Rajpramukh
on the file of the Court

Sir

The above case was for hearing on 13-8-31. But the complainant's Advocate moved for an adjournment for furnishing particulars asked for by me to enable me preparation of defence. Hence the case stands adjourned to 28 & 29 inst. for furnishing particulars. I will communicate the result of the next hearing in due course. I have the honour to be

Sir
Your most obedient
servant
1. Kuruva Rao
Public Prosecutor
14. 8. 31

28 1210 P 31

GPB-

192 .

From The Public Prosecutor.
Shimoga Division (M)

To The Secretary to Government,
General department,
Bangalore

Dated 6-9-31

Despatched

Received

GENERAL SECRETARY.
7 SEP 1931
No.

General No. 80
No.

Enclosure No.

Subject :- O.S. 3/30-31 on the file of Dist Judge, Shimoga. (Venkata Rao Vs Govt)

Sir,

With reference to your letter No. P. 1441/Law of 4-9-31, I have the honour to state that no progress could be made in the marginally noted case on the last hearing date, namely, 28-8-31 as I returned to Head quarters on that morning from Chitaldroog Sessions & the Sessions Judge returned to Head quarters on that evening after delivering judgment at Chitaldrug in the afternoon and the case stands posted to 8th instant for furnishing particulars by the plaintiff's Advocate.

I have the honour to be,
Sir,
your most obedient servant,
S Krishna Rao
Public Prosecutor,
Shimoga Division.

Sub? for perusal
7.9
ISD 8/9
Sub is filed 8/9
ISD 8/9
9.9

1280/31
P 83

OFFICE OF THE PUBLIC PROSECUTOR.
SHIMOGA DIVISION.

No 89
Encl.

DATED. SHIMOGA THE 10th September 1931.

From

B. KRISHNA RAO, ESQR., B. A., B. L.,
PUBLIC PROSECUTOR
SHIMOGA DIVISION.

To The Secretary to Government
General department,
Bangalore.

Sir,

O.S. 3/30-31 on the file of Dist Court, Shimoga
(Venkata Rao Vs Government).

I have the honour to state that the above case stood adjourned from 8-9-31 to 17-9-31 for furnishing particulars by the plaintiffs Advocate as the latter requested further time

I have the honour to be,
Sir,
your most obedient Servant,
B Krishna Rao
public prosecutor
Shimoga.

30 Mis 247 / 31
P 931

GPB

192 .

From
The Public Prosecutor,
Shimoga Division.

To The Secretary to Government,
General department,
Bangalore

Dated 11-10-31.

Despatched

Received

GENERAL SECRET.
13 OCT. 1931
No

General No. 128
No.

Enclosure No.

Sir

Subject:- O.S. 3/30-31 on the file of Addl. Dist. Court, Shimoga (Vs. Venkata Rao & Govt)

plaintiff has filed a memo giving the particulars called for by me regarding the dimensions of the building to which the plot in dispute is said to form the backyard and the case stands posted to 3rd November for filing our defence.

I am now engaged in preparing the written statement with reference to Govt records and will send the same for approval in about a week's time.

I have the honour to be,
Sir,
your most obedient servant,
S Krishna Rao
public prosecutor,
Shimoga

D/c w. st. may be awaited
for perusal

ISD
14/10

14/10

Sir.

1782/31

OFFICE OF THE PUBLIC PROSECUTOR,
SHIMOGA DIVISION. 31

No 145-
Encl.

DATED: SHIMOGA THE 28th October 1931

From

B. KRISHNA RAO, ESQR., B.A., B.L.,
PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

To
The Secretary to the Govt-
General Departments-
Bangalore

Subject- O.S. 3/30-31 (Venkata Rao & Govt)
on the file of District Court

Sir

With regard to the above
cited I herein enclose the draft-
written statement and the
draft objections to the petition
dated No. 1 (for Temporary injunction)
along with the pleadings and
the Banjara Lists referred to
therein for your kind perusal
and approval. If approved they
may be got signed by the

Chief Secretary and send to me
so as to reach me before
on 3rd of November we shall
to which we shall ~~be~~ forced
for filing of our defence.

I have the honor to be
Sir
Your most obedient
Servant —

S. Krishna Rao
Public Prosecutor

Appendix F G—1]

SUBJECT.....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to .....

No. 2488 -

To The Public Prosecutor
Shimoga

General and Revenue Secretariat

( )

the 193 .

Date of issue 4/11/31

Signed by

Sir,

With reference to your letter No: 165 dated 28th October 1931 forwarding a draft written statement in O.S. 3 of 30-31 (Venkatadas vs Govt) on the file of the District Munsif Shimoga & requesting its return by 3rd November, the date fixed for filing the defence, I am directed to state that your reference having been received here on the 2nd, ~~the~~ Nov^r, there has not been any time for Scrutinising the statement sent & getting it approved Certain ~~the~~ points of defence regarding

List of enclosures .....

Copied by .....

Examined by .....

the maintainability of the suit itself have to be raised in the case and as such it is inevitable that a further adjournment is necessary. I am to point out that in all such cases, the draft written statements ought to be sent atleast fifteen days ~~before~~ the date fixed for hearing. ~~that~~ The date to which the case has been adjourned from the 3rd xxxx may kindly be intimated above, so that the statement duly revised & signed by the chief Secy may be sent to you in time.

I have etc
Yours
Secretary

3/4

35 1555/37

OFFICE OF THE PUBLIC PROSECUTOR.
SHIMOGA DIVISION.

No 1578
Encl.

GENERAL SECRETARY
10 NOV. 1931
No. 1615

DATED. SHIMOGA THE 8th November 1931.

From

B. KRISHNA RAO, ESQR., B. A., B. L.,
PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

To

The Secretary to Govt of Mysore
General Departments
Bangalore

Sir

Subject — C.S. 5/30-31 on the file of District
Court — C Venkata Rao vs Govt

The above case stands posted
to 13th inst — for filing defence
and Judge is not likely to
grant any further adjournment
I have sent for your approval
the draft written statement in
my letter No. Nil Dt. 28-10-1931
and request you to kindly send

the defence with the Chief Secretary's signatures in the appropriate places before the next hearing date. Please read this as urgent.

I have the honour to be
Sir
your most obedient
servant
B. Hutchinson
Public Prosecutor

Appendix F G—1]

SUBJECT .....

.....

.....

General and Revenue Secretariat

( )

the 193 .

Date of issue 11/11/31

Signed by Mr Raj

List of enclosures .....

Copied by .....

Examined by .....

Section

File No.

Serial No.

Diary No. of letter replied to .....

No. 2645

To The PPr. Shimoga.

Sir,

With reference to your letter no. 158 dated 8th Nov 1931 intimating that O.S. 3/3031 on the file of the Dist. Judge, Shimoga (Venkatrao vs Govt of Mysore) stands posted to 13th inst for filing written statement, I am directed to state that the written statement ~~if~~ filed & duly signed by the chief pleader ~~by you~~ is awaited ~~by~~ Secretary Secretary and will be ~~returned~~ ~~sent~~ ~~by~~ Registered to you by registered ~~to-morrow's~~ post ~~to reach you~~ tomorrow ~~on 13th inst~~

I have etc

for Secretary

ISD
11/11

In ~~the court of~~ the District Judge, Guntur

C S^r 3 of 30·3

Plaintiff — S: Venkatadas

Defendant — ~~A Govt official~~

Under order 8 rule 1 of the Civil Procedure Code, the defendant states as follows:—

1) The suit as framed ~~is bad: Section 79 of the Code of Civil Procedure is mandatory and requires suits against Govt to be~~ being against the Chief Secy to Govt, Rev and other Dept is bad under sec 79 and order 27 rule 3 of the C. P. Code (as amended by the Chief Court's Notification No: R. Dis 9 of 26·27 dated 22nd Sept 1926).

2) ~~The suit is brought~~ The claim in respect of which the present suit being ~~for~~ not for any of the reliefs provided for in sec 2 of Reg VII of 1923, section 3 ~~of the~~ ~~jurisdiction of civil courts~~ of the said Regulation takes away the jurisdiction of Civil Courts in such matters.

~~IN THE COURT OF THE DISTRICT JUDGE, SHIMOGA.~~

~~O.S. 8 of 30-31.~~

~~Plaintiff:- S. Venkata Rao.~~

~~VS.~~

~~Defendant:- Government of Mysore.~~

~~Under Order 8 Rule 1 Civil Procedure Code~~

~~Defendant states as follows:-~~ The defendant puts the plaintiff to strict proof.

4) ~~4.~~ The Plaint allegations that the suit ladd marked A B C D in the ~~sxk~~ sketch belongs to plaintiff, that he and his ancestors have been in exclusive possession thereof for ov-er 60 to 80 years in their own right as full owners and that his ancestors had put up compound walls AB, BC, CD and DA on all its sides in their own rights as owners, ~~are all false and untrue to the knowledge of the plaintiff~~.

5) 2. Re: the other allegations in para 2 of the plaint the Defendant denies that on or about 1923 records were made at the instance of plaintiff's enemies, by the Revenue Authorities to the effect that the suit land belonged to the Anjaneya Temple and asserts that Revenue Proceedings were taken up by the Sub Division Officer

as

42

as the plaintiff had unlaw-fully tresspassed on the suit land and built the compound walls without permission and had caused obstruction to the mamool passage of the ~~x~~ Sree Anjuneya Swami Car during the time of the car festivities.

6) ~~6~~. Defendant denies the truth of the plaintiff's allegations in his memo of ..answer.., that his ancestors purchased the entire plot marked A B E F in the sketch including the suit portion marked A B C D from one Anyappa son of Yalur Basappa some 60 or 80 years back for a sum of Rs. 8/- or Rs. 10/- and the sale was completed by delivery of possession of the same and ~~he-~~ facts are ~~lieves these to be falsely set up for the purpose of this suit.~~ plaintiff to strict proof of them

7) ~~6~~ The Defendant further denies that plaintiff's ancestors entered on the suit land in their own rights and have been in possession thereof as owne-rs after erecting the compound walls AB, BC, CD and DA and asserts that the suit land has all along been vacant with its title vested in Government and that plaintiff has encroached thereon and has unlawfully enclosed the same within the four compound walls newly constructed without permission. Since, plaintiff, tresspassed on the suit land without any title, proceedings were taken ~~in~~ under the Revenue Law ~~the Revenue side~~ to evict him and to demolish the compound walls and he having falsely set up title thereto the same has been rightly ~~negatived~~ negatived by the ~~Highest Authority on the Revenue side.~~ the Revenue authorities —

From

8) 6. From the available Revenue Reocrds it is ascertained that Government ordered the levy of assessme-nt on the banjar land in the village site in the year Manmatha and in pursuance thereof a banjar list showing the vacant site-s in the possession of the villagers and of Government was prepared during the year 1915-16. and the said list is attested by Bhimappa the deceased father of plaintiff. According to this list, Anyappa is the holder of the vacant land bearing Khaneshmari No. 162 an-d measuring 11 yards by 11 yard-s assessed at Rs. 1-0-0 and this forms item No. 5 in the list. And item No. 20 thereof bearing Khaneshmari No. 162 measuring 12 yards by 12 yards is shown as Sirkar land and banjar with an endorsement that no-body should enter thereon without Government permission.

9) 8. In v-iew of the attestation of the plaintiff's fatner to the said banjar list the plaintiff must be deemed to admit the existence of the 5 vacant sites in the possession of the Government and noted therein and that item No. 5 (i.e. a portion only of Khaneshmari No. 162) above was vacant and belonged to Anyappa.

10) . The plaintiff's houses bearing Khaneshumari Nos. 166 and 167 are in Kurubar Street whereas the house-s of other Samerayaru in the village are in a different street and the alleged purchase from Anyappa, even if true, must have been subsequent to 1895 and the plaintiff's houses must have be-en built subsequent to 1895-96.

The

44

11) @. The old Government record prepared during 1895-96 and the Khaneshumari accounts of the village from the year 1921-22 upto 1927-28 when tax-book has been parepared under the Village Panchayet System negative the Plaintiff's title to the suit land and disproves his possession thereof as owner.

12) @. There is no cause of action for this suit as against the defendant and the plaintiff is not entitled to any of the reliefs claimed in the plaint.

Wherefore the Defendant prays that the plaintiff's suit may be dismissed with costs.

Dated 1931.

Chief Secretary to Govt

I, R. Ranga Rao, Chief Secretary to the Government of Mysore do hereby declare that what is stated in the above paras is true in so far as they are based on the available - Government ..... and in token thereof I have affixed my signature to this at Bangalore on this day xxxxxx the of October 1931.

Chief Secy to Govt.

In the Court of the District Judge, Shimoga.

O. S. 3 of 30-31.

Plaintiff.	Defendant.
S. Venkata Rao	Government of Mysore.

Under order 8 rule 1 of the Civil Proceedure Code, the Defendant states as follows:-

1. The suit as framed being against the Chief Secretary to Government, Revenue and Muzrai Department is bad under Section 79 and order 21 rule 3 of the Civil Proceedure Code (as amended by the Chief Court's Notification No. R. Dis. 9 of 26-27 dated 25th September 1926).

2. The claim in respect of which the present suit is brought being not for any of the reliefs - provided for in Section 2 of Regulation VII of 1923, Section 3 of the said Regulation takes away the - jurisdiction of Civil Courts in such matters.

The suit is also not entertainable under Section 225 of the Land Revenue Code, since the - plaintiff has not in this case exhausted his right of appeal to Government from the order of the - Revenue Commissioner dated 2nd September 1929.

4. The defendant puts the plaintiff to strict proof of the Plaint allegations that the suit land marked A. B. C. D. in the sketch belongs to plaintiff, that he and his ancestors have been in - exclusive possession thereof for over 60 to 80 -

80 years in their own right as full owners and that his ancestors had put up compound walls AB, BC, CD and DA on all its sides in their own rights as - owners.

5. Re: the other allegations in para 2 of the plaint the Defendant denies that on or about 1923 records were made at the instance of plaintiff's enemies, by the Revenue Authorities to the effect that the suit land belonged to the Anjaneya Temple and asserts that Revenue Proceedings were taken up by the Sub Division Officer as the plaintiff had unlawfully trespassed on the suit land and built the compound walls without permission and had - caused obstruction to the mamool passage of the Sree Anjuneya Swami Car during the time of the car festivities.

6. Defendant denies the truth of the plaintiff's allegations in his memo of answers, that his ancestors purchased the entire plot marked A. B. C. D from one Anyappa son of Yalur Basappa some 60 or 80 years back for a sum of Rs.8/- or Rs.10/- and the sale was completed by delivery of possession of the same puts the plaintiff to strict proof of them.

7. The Defendant further denies that plaintiff's ancestors entered on the suit land in their own - rights and have been in possession thereof as owners after erecting the compound walls AB, BC, CD and DA and asserts that the suit land has all along been vacant with its title vested in Government and that plaintiff has encroached thereon and has unlawfully enclosed the same within the four compound walls

verily

newly constructed without permission. Since, - plaintiff, tresspassed on the suit land without any title, proceedings were taken under the Revenue Law to evict him and to demolish the compound walls and he having falsely set up title thereto the same has been rightly negatived by the Revenue Authorities.

8. From the available Revenue Records it is ascertained that Government ordered the levy of assessment on the banjar land in the village site in the year Manmatha and in pursuance thereof a - banjar list showing the vacant sites in the possession of the villagers and of Government was prepared - during the year 1915-16, and the said list is attested by Bhimappa the deceased father of plaintiff. According to this list, Anyappa is the holder of the vacant land bearing Khaneshmari No.162 and measuring 11 yards by 11 yards assessed at Re.1-0-0 and this forms item No.5 in the list. And item No.20 thereof bearing Khaneshmari No. 162 measuring 12 yards by 12 yards is shown as Sirkar land and banjar with an - endorsement that no-body should enter thereon without Government permission.

9. In view of the attestation of the plaintiff's father to the said banjar list, the plaintiff must be deemed to admit the existence of the 5 vacant sites in the possession of the Government and noted therein and that item No.5 (i.e. a portion only of Khaneshmari No.162) above was vacant and belonged to Anyappa.

10. The plaintiff's houses bearing Khaneshumari Nos.166 and 167 are in Kurubar Street, whereas, the

the houses of other Samerayaru in the village are in a different street and the alleged purchase from Anyappa, even if true, must have been subsequent to 1895 and the plaintiff's houses must have been built subsequent to 1895-96.

11. The old Government record prepared during 1895-96 and the Khaneshumari accounts of the village from the year 1921-22 upto 1927-28 when tax-book has been prepared under the Village Panchayet System negative the Plaintiff's title to the suit land and disproves his possession thereof as owner.

12. There is no cause of action for this suit as against the defendant and the plaintiff is not entitled to any of the reliefs claimed in the plaint.

Wherefore the Defendant prays that the plaintiff's suit may be dismissed with costs.

Dated 12th November 1931. Chief Secretary to Government

I, R. Ranga Rao, Chief Secretary to the Government of Mysore do hereby declare that what is stated in the above paras is true in so far as they are based on the available Government..... and in token thereof I have affixed my signature to this at Bangalore on this day the 12th of November 1931.

Chief Secretary to Government.

49

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 12/11/31

Signed by M. N.

List of enclosures .....

Copied by M. N. 12/11/31

Examined by .....

Section

File No.

Serial No.

No. P 2663 (2) & Records

To The PPr Shimoga,

Sir,

In Continuation of this office letr no. P. 2645 dated 11th Nov 1931, I am directed to return herewith duly revised, fairsed and signed as well as the objections and the ~~drafts~~ written Statement to be filed in O.S. 3/30-31 on the file of the Dist. Judge Shimoga (Venkata Rao vs Govt of Mysore). The enclosures to your letr no 1451 dt 28.10.31 are also returned.

I have the

TSD 12/11 DNP 12/11 for Gen Sec'y

WD 71—GBPM—40,000—20-7-31.

240673/31

OFFICE OF THE PUBLIC PROSECUTOR.
SHIMOGA DIVISION. 50

No 186
Encl.

DATED, SHIMOGA THE 2nd December 1931.

GENERAL SECRETARY.
3 DEC. 1931
No. 1611

From

B. KRISHNA RAO, ESQR., B. A., B. L.,
PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

To

The Secretary to the Govt of Mysore
General Departments
Bangalore

Subject — O.S. No 3 of 30-31 on the file of
the court — [illegible] Rao as Govt

Sir

In this case plaintiff should
have filed the Reply Notice
amend- to our Defence, but
as the plaintiff's Advocate
moved for an adjournment

and as we could will be
engaged in Serious work during
the whole of this month from
Govt. instead are Thirdly and
thirtyfourthly this case stands
adjourned to 5-1-32 for
further Reply

I have the honour
to be
Sir
your most obedient
servant
B. Krishna Rao
Public Prosecutor

21267/31

OFFICE OF THE PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

No 167
Encl.

DATED. SHIMOGA THE 18th November 1931.

From

GENERAL SECRETARY.
1 Dec 1931
No

B. KRISHNA RAO, ESQR., B. A., B. L.,
PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

To

The Secretary to the Govt.
of Mysore
General Department
Bangalore

Sir -

Subject - Re O.S. 3/30-31 on the file of the court of V. Venkatarao as Govt.

In the above case I filed the defence and the objection to the petition for the grant of Temporary Injunction on

53

16 & instrument was ordered
to stand adjourned to
30 th inst - for the
Reply statement of the
Prosecutor and the
disposal of the petition
Serial No. 1. & the ultimate
the result of the next
hearing in due course
I have the honor to be
Sir
your most obedient
Servant -
A Krishna Rao
Public Prosecutor
Shimoga
18-11-91

3576/931
54

GPB-

192 .

From The public Prosecutor,
Shimoga Division,

To The Chief Secretary to the
Govt of Mysore,
Bangalore.

Dated 5-2-32
6
Despatched

Received

General No. 254
No.

Enclosure No.

Sir

Subject:- O.S. 3/30-31 on the file of dist court, Shimoga (Venkata Rao & Govt)

In the marginally noted case the plaintiff filed his Reply Statement this day the 5th February 1932 and issues were framed by the court.

The suit has been posted to 7th March for arguments on the legal issue regarding the maintainability of suit against the Government in the present forum

I have the honour to be,
Sir
your most obedient servant

G. Krishna Rao
Public Prosecutor
5-2-1932

Subs for perusal

Subs B

5576 931

OFFICE OF THE PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

No. 345.
Encl.

DATED, SHIMOGA THE 25th May 1932.

From

B. KRISHNA RAO, ESQR., B.A., B.L.,
PUBLIC PROSECUTOR,
SHIMOGA DIVISION.

To

The Chief Secretary to the
Government of Mysore,
Bangalore

Sir,

Subject:- O.S. 3/30-31 on the file of
Dist court, Shimoga
(Venkata Rao Vs Government.

In the above case, which was reserved for orders after hearing arguments, judgment was pronounced by the judge on 23rd instant dismissing the plaintiff's suit with costs.

I have applied for copies of

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat 58

No. P. 507/Enc (photocopy of decree) Dated, Bangalore, 22nd July 1932.

From

R. RANGA RAO, Esq., B.A., B.L.,
General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Public Prosecutor,
Shimoga.

Sir,

I am directed to return herewith the copies of the Judgment and decree in O.S.3/30-31 on the file of the District Judge, Shimoga, (S. Venkata Rao -VS-Government) sent with your letter No.13 dated 12th July 1932 and to request that necessary steps may kindly be taken in time in consultation with the Deputy Commissioner, Shimoga District, to recover the costs due to Government under the decree.

I have the honour to be,
Sir,
Your most obedient servant,

M Rangarao

for General Secretary to Government.

K.V.R.4.
22-7.

59

Appendix F G—1]

SUBJECT .....

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Section Law

File No.

Serial No.

Diary No. of letter replied to .....

No P. 507/Enc {copy of Govt. Decree

To The Public Prosecutor Shimoga

General and Revenue Secretariat

( )

the *193* .

Sir,

I am directed to return herewith the Copies of the Judgment and decree in O.S 3/30-31 on the file of the Dist. Judge, Shimoga (S. Venkata Rao vs Govt) sent with your letter No: 13 dated 12th July 1932 and to request that necessary steps may kindly be taken in time in Consultation with the D.P.P. Shimoga to recover the Costs due to Govt under the decree —

Date of issue 25/7/32

Signed by for N. R. J. Rao

List of enclosures .....

Copied by .....

Examined by .....

I have exe
MG
for Gen — See 4
15D
2/7 Memo No P 508-9 dt 25-7-32
1) Copy to DC Shimoga
2) — Murgod —

TYPING SECTION
28 JUL 1932
GEN'L & REV SECT

WD 71—GPBM—40,000—20-7-31.